

## Chapter 340

### FIRE PREVENTION

#### ARTICLE I BOCA Basic Fire Prevention Code

- § 340-1. Adoption of codes.
- § 340-2. Enforcement authority.
- § 340-3. Determination of fees.
- § 340-4. Copies of standards on file.
- § 340-5. Incorporation of future revisions to standards.

#### ARTICLE II Uniform Fire Safety Code

- § 340-6. through § 340-11. (Reserved)

**[HISTORY: Adopted by the Township Council of the Township of Lower as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fire Department — See Ch. 39.  
Alarm systems — See Ch. 153.  
Unfit buildings — See Ch. 206.  
Uniform construction codes — See Ch. 235.  
Electrical standards — See Ch. 291.  
Fire control measures — See Ch. 313.

Fire districts — See Ch. 318.  
Tampering with fire-fighting equipment — See Ch. 324.  
Fire hydrants — See Ch. 330.  
Fire insurance claims — See Ch. 333.  
Fire zones, lanes and areas — See Ch. 345.

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#### ARTICLE I BOCA Basic Fire Prevention Code [Adopted 11-6-2023 by Ord. No. 2023-20]<sup>1</sup>

- § 340-1. Adoption of codes.

The New Jersey Uniform Fire Code, N.J.A.C. 5:70, 5:71, 5:72, 5:73 and 5:75 et seq., and all amendments and supplements thereto, is hereby adopted by the Township of Lower for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the Township of Lower as mandated by the State of New Jersey, so as to improve the safety of the public by promoting the control of fire hazards. The standards, rules and regulations set forth in the code shall be and the same are hereby incorporated in this chapter, three copies of which have been and are now on file in the office of the Fire Bureau. The

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1. Editor's Note: This ordinance also repealed former Art. I, BOCA Basic Fire Prevention Code, adopted by Ord. No. 78-100, as amended.

**§ 340-5. Incorporation of future revisions to standards.**

If any future revision of the Uniform Fire Code is unacceptable to the Township Council, the Township Council shall specifically revoke the provisions of this article that incorporate those revisions automatically or else said revisions shall upon their lawful passage be incorporated in the terms of this article, in accordance with § 340-1.

**ARTICLE II****Uniform Fire Safety Code**

[Adopted by Ord. No. 90-5 (Sec. 11-5 of the 1975 Code)]

**§ 340-6. through § 340-11. (Reserved)<sup>4</sup>****§ 340-12. Board of Appeals.**

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act,<sup>5</sup> any person aggrieved by any order of the local enforcing agency shall have the right to appeal to the County Construction Board of Appeals.

**§ 340-13. Additional required inspections and fees.** [Amended by Ord. No. 95-33; Ord. No. 2002-2; Ord. No. 2002-29; 2-18-2004 by Ord. No. 2004-4; 3-19-2007 by Ord. No. 2007-04; 12-17-2007 by Ord. No. 2007-18; 2-7-2011 by Ord. No. 2011-03; 2-5-2018 by Ord. No. 2018-02; 11-6-2023 by Ord. No. 2023-20; 12-18-2023 by Ord. No. 2023-21]

A. In addition to the inspections and fees required pursuant to the Fire Safety Act<sup>6</sup> and the regulations of the Department of Community Affairs, the following additional inspections and fees for those uses not defined as life-hazard uses shall be required. The following buildings, uses and premises contained in this section, other than those that are incidental or auxiliary to the agricultural use of farm property, are subject to registration and periodic inspection requirements as hereby established. Where two or more of the same use or different uses exist at the same building or premises, each one shall be considered separate and distinct for the purpose of this section and shall be registered pursuant thereto.

B. Uses.

- (1) Business use, as defined in the latest edition of the NJ Uniform Fire Code,<sup>7</sup> where there is a single tenant.
- (2) If there is a business use, as defined above, where there is more than one tenant, same would result in the use of the schedule hereinafter noted, with the sole

4. Editor's Note: Former §§ 340-6 through 340-11, pertaining to the enforcement of the Uniform Fire Safety Code, were repealed 8-2-2010 by Ord. No. 2010-07. See now Ch. 3, § 3-29.1.

5. Editor's Note: See N.J.S.A. 52:27D-206 and 52:27D-208, respectively.

6. See N.J.S.A. 52:27D-192 et seq.

7. See N.J.A.C. 5:70-1.1 et seq.

Total Gross Floor Area Including Basement (square feet)	Registration Fees
11,501 to 12,000	\$345
For an additional 1,000 square feet or more, the registration fee is an additional \$35.	

- (10) For eating and drinking establishments/assembly uses with less than 50 occupants, the fee shall be \$120.
- (11) For motels and motels with 100 rooms or less and not defined as life-hazard uses, the fee shall be \$180.
- (12) For buildings for the purpose of amusement, entertainment, recreation, strip malls, shopping centers and health spas which are not defined as a life-hazard use, the fee shall be \$190.
- (13) The fee for multidwelling units with three dwelling units or more shall be \$85 and \$25 for each additional dwelling unit.
- (14) The fee for marina inspections shall be \$115.
- (15) The Bureau of Fire Safety shall, upon the sale of any property, conduct a fire inspection prior to the date of settlement. For the sale of properties, the fee shall be \$130. This \$130 fee shall include the sale of property inspection applications received in the Fire Bureau office more than 10 working days from the settlement date. The fee associated with all sale of property inspection applications received in the Fire Bureau office with less than 10 working days to settlement shall be \$260.
- (16) For rental properties, the fee shall be \$130 per unit. This \$130 inspection fee shall include campground and mobile home park rental units, including but not limited to houses, cabins and trailers to be used for dwelling purposes. All seasonal/vacation and year-round rental properties shall be inspected one time per calendar year. All seasonal/vacation rentals must pass inspection prior to the start of the rental season (June 1) in any given calendar year. For all rentals, including one- and two-family dwelling units, the Lower Township Bureau of Fire Safety shall conduct a fire inspection one time per calendar year.
  - (a) This fire inspection shall be for the purposes of:
    - [1] Establishing that the occupancy has not been changed unless the structure has been upgraded to the new use as required under N.J.A.C. 5:23-2.6(b), Change of use.
    - [2] Ensuring that the property is in compliance with the New Jersey Uniform Fire Code, N.J.A.C. 5:70-4.19, and other fire safety requirements.

- B. Any owner or his designated agent who fails to register and/or have an inspection of a rental property and/or sale of property as stated in § 340-13B(14) of this article shall be subject to a penalty of \$500 or imprisonment for not more than 90 days, or both.
- C. Failure to pay a required registration fee on time is a violation of this section. A penalty of the amount equal to the amount of the unpaid fee shall be assessed.
- D. Where a premises has violations relative to the Uniform Fire Safety Act after notice from the Bureau of Fire Safety concerning violations and there is a failure to abate the violations within 60 days from said notice or any extension of time to abate violations, the Bureau of Fire Safety shall post a notice at all entrances to the premises stating that the premises is in violation of the Uniform Fire Safety Act and the posted notices shall remain until the violations are abated. Any removal of the notices by the owner, agent or occupant shall be subject to a penalty of \$500 or imprisonment for not more than 90 days, or both. The form of notice shall be determined by the Fire Official.

**§ 340-17. Inspection of fireworks loading onto barges or vessels. [Added 2-23-2011 by Ord. No. 2011-05]**

- A. The Bureau of Fire Safety shall inspect fireworks being loaded onto barges or vessels in the Township of Lower. Said inspection shall include but not be limited to: all preloading site inspections, United-States-Coast-Guard-required port and barge inspections, equipment storage and loading, storage and handling of explosive materials.
- B. A Type 3 permit is required by the Lower Township Bureau of Fire Safety, as well as a standby fee of \$50 per hour, with \$300 payable upon application. Said fee in excess of \$300 must be paid to the Bureau of Fire Safety within five business days following the event.
- C. Said permit fee and a Bureau of Fire Safety Personnel Standby contract must be executed 15 days prior to each event.
- D. Site security must be provided by the Lower Township Police Department at the expense of the permit applicant.
- E. The Bureau of Fire Safety may prevent the loading of fireworks onto a barge or vessel in the Township of Lower if any of the applicable codes, standards or general safety practices are not in compliance, or if any unsafe act is committed.

**§ 340-18. Key box rapid entry system. [Added 3-20-2017 by Ord. No. 2017-02]**

- A. The following structures shall be equipped with a key box installed at a location that is approved by the Fire Official, which shall be at the main entrance or such other location or locations as required by the Fire Official:
  - (1) Residential rental properties protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.

condominium association or, in the event there is no condominium association, the "owner" shall mean all of the condominium owners collectively.

- C. All newly constructed structures subject to this section shall have the key box installed and operational prior to the issuance of a certificate of occupancy. All structures in existence on the effective date of this section and subject to this section shall have 180 days from the effective date of this section to have a key box installed and operational.
- D. As used in this section, the term "key box" shall mean a type of key lock box system capable of storing keys for the purposes set forth in this section, the exact type and manufacturer of which shall be approved by the Fire Official.
- E. The owner or operator of a structure required to have a key box shall, at all times, keep a key or keys in the key box that will allow for access to all points of egress capable of being locked, whether on the interior or exterior of the structure, mechanical equipment rooms, electrical rooms, elevator controls, fenced or secured areas, or any other room, enclosure or area as required by the Fire Official.
- F. The Fire Official is authorized to promulgate administrative rules, regulations and procedures to further the purposes of this section and to file same with the Township Clerk.
- G. For the violation of any provision of this section, the maximum penalty, upon conviction of the violation, shall be a fine of not less than \$100. Each day that violation of any provision of this section exists shall be deemed a separate offense.
- H. This section shall not apply to owner-occupied one- and two-family dwellings.

## Chapter 345

### FIRE ZONES, LANES AND AREAS

**§ 345-1. Fire zones, lanes and areas designated; towing; penalties; enforcement; appeals.**

**§ 345-2. Review of site plans and subdivisions; fees.**

**[HISTORY: Adopted by the Township Council of the Township of Lower by Ord. No. 90-17 (Sec. 11-6 of the 1975 Code). Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fire control measures — See Ch. 313.

Fire districts — See Ch. 318.

Tampering with fire-fighting equipment — See Ch. 324.

Fire hydrants — See Ch. 330.

Fire prevention — See Ch. 340.

**§ 345-1. Fire zones, lanes and areas designated; towing; penalties; enforcement; appeals.**

**A. Hospitals, nursing homes and convalescent homes.**

- (1) The developers of property to be used for the purpose of constructing a nursing home, convalescent home, hospital or other similar use shall submit a site plan to the Commissioners of Fire District No. 1, No. 2 or No. 3 in the Township of Lower, County of Cape May (hereinafter referred to as "Commissioners"), and/or their designated agents of the Township of Lower, showing the location of all existing and proposed buildings, accessory structures, parking spaces, lighting, screening, paved and landscaped areas, curb cuts providing ingress and egress to the said property, curbs and sidewalks, the flow of traffic upon said premises and such information as the Commissioners and/or their designated agents may require. Said site plan shall be submitted prior to the issuance of any building permit for said hospital, nursing home, convalescent home or other related use. The site plan shall be reviewed by the Commissioners and/or their designated agents to determine if any fire hazard exists, and the approval of the site plan by the Commissioners and/or their designated agents shall be prerequisite to the issuance of any such building permit.
- (2) Whenever it is deemed necessary for public safety, the Commissioners and/or their designated agents may require the owners or operators of any nursing home, convalescent home, hospital or other similar use to designate fire zones at entrances, loading doors or accessways to said premises and fire lanes in driveways leading from streets to the fire zones. The size of the fire zones and/or fire lanes shall be set at the discretion of the Commissioners and/or their designated agents based upon the size of the property and such other facts as the Commissioners and/or their designated agents may deem relevant. Fire zones shall be outlined in yellow on the paved surface and shall contain, within said outline, the phrase FIRE ZONE in yellow lettering and shall further be striped with diagonal yellow lines. Fire lanes shall be outlined in yellow with the phrase FIRE

- (1) The Bureau of Fire Safety and/or its designated agents shall establish fire areas for multiple-dwelling units, condominium projects, cooperative housing projects, places of public assembly, office buildings, public, private and parochial schools, shopping centers, mobile home parks, campgrounds and any other commercial or industrial use. A fire area shall be that area which is determined by the Bureau of Fire Safety and/or its designated agents to remain unobstructed at all times so as to provide access to buildings by Fire Department and other emergency vehicles and to allow access to fire hydrants and standpipes and fire protection devices.
  - (2) The number of fire areas, their locations, size and manner of marking shall be determined by the Bureau of Fire Safety and/or their designated agents. The Bureau of Fire Safety and/or its designated agents shall determine the location of a fire area on the basis of size, type and location of the buildings on the property, the manner in which the property is used, the number of motor vehicles operated and parked upon the premises, the number of persons using and occupying the premises, the existing means of ingress and egress, the total area of the property, the size of all parking lots on the property and such other relevant factors as the Bureau of Fire Safety and/or its designated agents may determine upon inspection of the property involved. The Bureau of Fire Safety shall give notice to the owner or operator of the premises of the marking or signs required to designate a fire area. The markings and signs shall be provided by the owner or operator within 30 days of receipt of the notice. All markings and signs shall be provided and maintained in the manner as set forth in Subsection A(2) of this section.
  - (3) The Bureau of Fire Safety and/or its designated agents are authorized to regulate, restrict and prohibit the parking and operation of motor vehicles in and near such fire area and may impose such regulations necessary to insure that the fire area remains free from obstructions.
  - (4) No person shall, at any time, park a motor vehicle, locate a garbage dumpster or, in any other manner, obstruct a fire area. A motor vehicle shall be deemed to be obstructing a designated fire area whether or not the motor vehicle is occupied or the motor is running.
- D. Towing. The Bureau of Fire Safety and/or its designated agents are authorized to tow motor vehicles and remove all obstructions from any fire zone, fire lane or fire area. The Bureau of Fire Safety and/or its designated agents are also authorized to tow motor vehicles and remove obstructions parked or standing within 10 feet of a fire hydrant. All motor vehicles and other obstructions which are removed pursuant to this subsection may be stored in a storage area approved by the Bureau of Fire Safety and/or its designated agents. The cost of removal and such storage shall be charged to the owner of the vehicle or other obstruction, and the charge shall be paid prior to the release of said vehicle or obstruction, if the owner can be identified, within 24 hours after removal of said vehicle or obstruction.
- E. Penalties. Any person who is in violation of this section shall be subject to the following penalties:

resubmitted and reviewed by the Bureau of Fire Safety, and/or its designated agents. The fees shall be set forth below.

- B. All reviews are valid for a one-year period, after which a review will be deemed unacceptable and a resubmission will be required.
- C. The fees shall be as follows: [Amended 2-7-2011 by Ord. No. 2011-02]
  - (1) For any minor site plan: \$95.
  - (2) For any major site plan: \$150.
  - (3) For any minor subdivision: \$45.
  - (4) For any major subdivision: \$200.
  - (5) For any resubmission and review, only after the initial application and one review of same has been undertaken: \$60.